

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Application of Orchard Farm Telephone)
Company for Approval of a Traffic Exchange)
Agreement under the Telecommunications)
Act of 1996.)

Case No. TO-2006-0445

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and for its recommendation respectfully states:

1. In the attached Memorandum, labeled Appendix A, the Staff recommends that the Missouri Public Service Commission grant approval of the Agreement characterized as a “Wireless Traffic Exchange Agreement” between Orchard Farm Telephone Company (“Orchard”) and Charter Fiberlink – Missouri, LLC (the “Agreement”). The Agreement was filed by Orchard under the provisions of the federal Telecommunications Act of 1996.

2. The terms of the Agreement do not discriminate against telecommunications carriers not a party to the Agreement and are not against the public interest, convenience or necessity. Pursuant to 47 U.S.C. §252(e), the Commission is to approve a negotiated interconnection agreement unless the terms of the agreement discriminate against a telecommunications carrier not a party to the agreement, or implementation of the agreement or any portion thereof is inconsistent with the public interest, convenience, or necessity.

3. Staff further states that Orchard submitted this negotiated Agreement pursuant to Section 252 of the Telecommunications Act of 1996, and characterized the Agreement as a “Traffic Exchange Agreement.” Staff can find no reference in Section 252 to “Traffic Exchange Agreement.” Consequently, Staff recommends the Commission issue an Order approving a

wireless “interconnection agreement” and not an Order approving “Wireless Traffic Exchange Agreement.”

WHEREFORE, because the terms of the Agreement satisfy the standard set forth in 47 U.S.C. §252(e), Staff recommends the Commission approve the Agreement as a Interconnection Agreement and direct the parties to submit any future modifications or amendments to the Agreement to the Commission for approval.

Respectfully submitted,

/s/ Shelley E. Syler

Shelley E. Syler
Senior Counsel
Missouri Bar No. 52173
Attorney for the Staff of the
Missouri Public Service Commission

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 21st day of June 2006.

/s/ Shelley E. Syler

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. **TO-2006-0445**
Party: Orchard Farm Telephone Company
Type of Carrier:
☒ ILEC
☐ CLEC
☐ Wireless

Party:
Type of Carrier: Charter Fiberlink - Missouri, LLC
☐ ILEC
☒ CLEC
☐ Wireless

From: Sara Buyak, Telecommunications Department

<u>William Voight</u>	<u>6-20-06</u>	<u>/s/ William Haas</u>	<u>6-20-06</u>
Utility Operations Division/Date		General Counsel Office/Date	

Subject: Staff Recommendation for Approval of Interconnection Agreement or Amendment to Interconnection Agreement

Date: June 21, 2006

Date Filed: 5-24-06

Staff Deadline: 6-26-06

The Telecommunications Department Staff (Staff) recommends the Parties be granted approval of the submitted:

- ☒ Interconnection Agreement
- ☐ Amendment not previously approved

The parties submitted the proposed Agreement or Amendment to the Missouri Public Service Commission (Commission) pursuant to the terms of the Telecommunications Act of 1996 (Act). Staff has reviewed the proposed Agreement and believes it meets the limited requirements of the Act. Specifically, the Agreement: 1) does not discriminate against telecommunications carriers not party to the Agreement and 2) is not against the public interest, convenience or necessity. Staff recommends the Commission direct the Parties to submit any modifications or amendments to the Commission.

☐ The applicants have not submitted a serially number copy of the Agreement or Amendment. Staff recommends the Commission direct the Parties to submit a serially numbered copy of the Agreement or Amendment.

☒ Staff has a serially numbered copy of the Agreement or Amendment.

Additional Interconnection Agreement or Amendment Review Items

☒ No applications to intervene filed.

☒ Agreement or Amendment signed by both Parties.

Additional recommendations or special considerations (if any):

The Parties have submitted this negotiated Agreement pursuant to Section 252 of the Telecommunications Act of 1996, and characterized the Agreement as a “ Traffic Exchange Agreement.” Staff can find no reference in Section 252 to “ Traffic Exchange Agreement.” Consequently, Staff recommends the Commission issue an Order approving a “interconnection agreement” and not an Order approving “Traffic Exchange Agreement.”

☒ The Company is not delinquent in filing an annual report and paying the PSC assessment.

☐ The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.

(☐ No annual report ☐ Unpaid PSC assessment. Amount owed:)

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OF THE STATE OF MISSOURI**

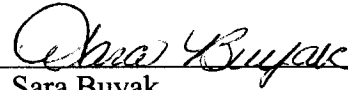
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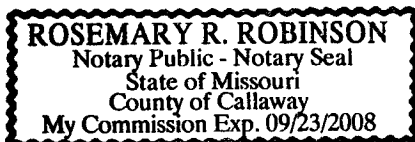
AFFIDAVIT OF Sara Buyak

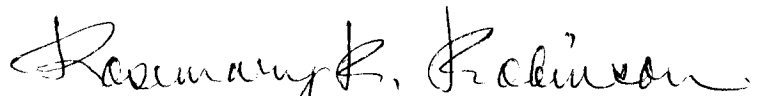
STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

Sara Buyak, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in the preparation of the accompanying staff recommendation, and that the facts therein are true and correct to the best of her knowledge and belief.


Sara Buyak

Subscribed and affirmed before me this 20th day of June, 2006
I am commissioned as a notary public within the County of Cole, State of Missouri
and my commission expires on 9-23-2008




NOTARY PUBLIC